

Article - State Government

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§12–405.

(a) The application requirements enumerated in subsection (b)(5) of this section do not apply to claims relating to:

- (1) courthouse security;
- (2) service of process;
- (3) the transportation of inmates to or from court proceedings;
- (4) personnel and other administrative activities;
- (5) activities, including activities relating to law enforcement functions, arising under a multijurisdictional agreement under the supervision and direction of the Maryland State Police or other State agency; or
- (6) any other activities, except for activities relating to performing law enforcement functions or detention center functions.

(b) The Board of Public Works may not pay a settlement or judgment against State personnel unless:

- (1) the State personnel submits to the Board a written application that sets forth each reason of the State personnel for believing the settlement or judgment is a responsibility of the State;
- (2) the Board or a hearing officer that the Board appoints holds a hearing on the application;
- (3) as to a judgment, it was rendered by a court of competent jurisdiction;
- (4) as to an applicant for whom the Attorney General appeared under Subtitle 3 of this title, the Attorney General files a written report and recommendation;
- (5) as to an application on behalf of a sheriff or deputy sheriff of a county or Baltimore City for any claim:

(i) with respect to any settlement, the county solicitor or county attorney files a written report and recommendation and the Attorney General files a written report and recommendation; or

(ii) with respect to any judgment, the Attorney General files a written report and recommendation;

(6) on the bases of the hearing and any report and recommendation, the Board finds that:

(i) when the act or omission was made, the applicant was performing a duty within the scope of the employment of the applicant;

(ii) the act or omission was not malicious; and

(iii) the act or omission was not grossly negligent; and

(7) if there is any question whether the applicant is State personnel for purposes of this subtitle, the Board finds that, regardless of the method, source, or amount of compensation, the applicant is State personnel.

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